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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 CASIANO N. ALFORQUE ,

12 Plaintiff,

13 vs.

14 MARTIN COUNTY, TEXAS,

15 Defendant.

CASE NO. 08cv613 WQH (WMc)

**ORDER**

16 HAYES, Judge:

17 Pending before the Court is Plaintiff Casiano N. Alforque's motion to proceed in forma pauperis. (Doc. # 2).

18 **DISCUSSION & ORDER**

19 On April 3, 2008, Plaintiff Casiano N. Alforque filed the Complaint. (Doc. # 1). Plaintiff also  
20 filed the presently pending motion to proceed in forma pauperis. (Doc. # 2).

21 All parties instituting a civil action, suit, or proceeding in a district court of the United States,  
22 other than a petition for writ of habeas corpus, must pay a filing fee of \$350.00. 28 U.S.C. § 1914(a).  
23 An action may proceed despite a party's failure to pay only if the party is granted leave to proceed *in*  
24 *forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th  
25 Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114,  
26 116 (9th Cir. 1965).

27 In his accompanying affidavit, Plaintiff states that he is not employed. Plaintiff states that he  
28 was last employed in November 2007, where he took home \$960.000 per week. Plaintiff further states

1 that he received \$149.00 per month in state disability until April 8, 2008, and \$1200.00 per month in  
2 California unemployment insurance until January 20, 2008. Plaintiff does not own a car, have a  
3 checking account, or have any other assets such as stocks, bonds, or securities. Plaintiff states that  
4 his wife and daughter are dependent on him for support, and he contributes everything (\$600.00) to  
5 their support. Plaintiff states that he has \$7,200.00 in outstanding loans.

6 After considering Plaintiff's motion and the accompanying affidavit, the Court determines that  
7 Plaintiff cannot afford to pay the filing fee in this case and is eligible to proceed in forma pauperis  
8 pursuant to 28 U.S.C. § 1915(a). The Court therefore **GRANTS** Plaintiff's motion to proceed in  
9 forma pauperis. (Doc. # 2).

10 The Clerk of the Court is directed to issue a summons and provide Plaintiff with the summons,  
11 certified copies of both this Order and the Complaint, and a blank U.S. Marshal Form 285. Plaintiff  
12 shall complete the U.S. Marshal Form 285, and forward the Form 285 along with the designated  
13 copies of this Order and the Complaint to the U.S. Marshal. The U.S. Marshal shall serve a copy of  
14 the Complaint and summons upon the Defendant as directed by Plaintiff on each U.S. Marshal Form  
15 285.

16 **IT IS SO ORDERED.**

17 DATED: June 10, 2008

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19 **WILLIAM Q. HAYES**  
20 United States District Judge  
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